

File No.: 6500-20 (Keats Island
Shoreline Protection Project)

DATE OF MEETING: September 1, 2022
TO: Gambier Island Local Trust Committee
FROM: Marlis McCargar, Island Planner
Northern Team
COPY: Heather Kauer, Regional Planning Manager
SUBJECT: Keats Island Proposed Bylaw Nos. 153 (OCP) and 154 (LUB)

RECOMMENDATION

1. That the Gambier Island Local Trust Committee Bylaw No. 154 cited as “Keats Island Land Use Bylaw, 2002, Amendment No. 1, 2021” be amended as follows:
 - a. Appendix 1, 9.3 DP-3 SHORELINE, .3 Guidelines, item “k”, replace “This will require an environmental assessment” with “This must require an environmental assessment”.
2. That the Gambier Island Local Trust Committee Bylaw No. 153, cited as 'Keats Island Official Community Plan, 2002, Amendment No. 1, 2021', as shown in Attachment 1 of the staff report dated September 1, 2022, be read a second time as amended.
3. That the Gambier Island Local Trust Committee Bylaw No. 154, cited as 'Keats Island Land Use Bylaw, 2002, Amendment No. 1, 2021', be read a second time as amended.
4. That the Gambier Island Local Trust Committee request staff to refer Proposed Bylaw No. 154 as amended to Skwxwú7mesh (Squamish) Nation.
5. That the Gambier Island Local Trust Committee request staff to schedule a Public Hearing for Proposed Bylaw Nos. 153 (OCP) and 154 (LUB).
6. That the Gambier Island Local Trust Committee request Staff to add educational outreach on environmentally friendly mooring buoys to the Projects List.

REPORT SUMMARY

This staff report provides the Gambier Island Local Trust Committee (LTC) with a follow up of bylaw referrals received from First Nations to date. Staff are recommending the LTC amend Proposed Bylaw No. 154 and give Second Reading, in response to the referral response and subsequent discussions with Skwxwú7mesh (Squamish) Nation and community feedback.

The Gambier Island LTC passed resolutions at the November 18, 2021 LTC regular business meeting that would amend Proposed Bylaw Nos. 153 and 154. Staff have amended the proposed bylaws according to the LTC

resolutions and some of the Skwxwú7mesh (Squamish) Nation referral responses. The LTC is asked to consider second reading of Proposed Bylaw Nos. 153 and 154, as amended.

In addition, staff are recommending that a Public Hearing be scheduled for the Proposed Bylaw Nos. 153 and 154 (in October 2022, date to be determined).

BACKGROUND

Proposed Bylaw No. 153, that would amend the Keats Island Official Community Plan Bylaw No. 77 (OCP), and Proposed Bylaw No. 154, that would amend the Keats Island Land Use Bylaw No. 78 (LUB), were given first reading at the July 22, 2021 LTC meeting.

First reading of Proposed Bylaw No. 154 was rescinded at the October 14, 2021 LTC meeting, amended by the LTC, and then given first reading at that same meeting.

Two Community Information Meetings (CIMs) were held September 29, 2021 (online) and following the LTC meeting October 14, 2021 (in person).

At their regular business meeting held November 18, 2021, the LTC considered staff's recommended amendments to Proposed Bylaw Nos. 153 and 154. At that meeting, the LTC passed the following resolutions:

GM-2021-090

It was MOVED and SECONDED,

that the Gambier Island Local Trust Committee request staff to prepare the following changes to Proposed Bylaw No. 153:

- a. In Section 1.4 of Schedule 1, under the heading "Justification" amend the number "90" with "over 120";
- b. Replace Plan No. 1 with the amended Plan No. 1 in Attachment 1.

CARRIED

GM-2021-091

It was MOVED and SECONDED,

that the Gambier Island Local Trust Committee request staff to prepare the following change to Proposed Bylaw No. 154:

In Schedule 1, Sections 1.7, 1.10, 1.14 and 1.21, replace the number "35 square metres (377 square feet)" with "36 square metres (387.5 square feet)."

CARRIED

GM-2021-092

It was MOVED and SECONDED,

that the Gambier Island Local Trust Committee request staff to prepare the following change to Proposed Bylaw No. 154:

In Appendix 1, 9.3 DP-3 SHORELINE, .2 Exemptions, item "j" replace with, "The pruning, trimming or limbing of trees provided it cannot reasonably be expected to result in the death or removal of the tree."

CARRIED

GM-2021-093

It was MOVED and SECONDED,

that the Gambier Island Local Trust Committee request staff to prepare the following change to Proposed Bylaw No. 154:

In Appendix 1, 9.3 DP-3 SHORELINE, .2 Exemptions, item “r” replace with, “Works conducted and/or authorized by the Province and its Ministries or Agencies, and by Fisheries and Oceans Canada (or subsequent federal department), with respect to trail construction, stream enhancement and fish and wildlife habitat restoration. For clarity, private moorage, shoreline protection measures or placement of fill below the natural boundary of the sea authorized by the Province and its Ministries or Agencies, requires a development permit.”

CARRIED

GM-2021-094

It was MOVED and SECONDED,

that the Gambier Island Local Trust Committee request staff to prepare the following change to Proposed Bylaw No. 154:

In Appendix 1, 9.3 DP-3 SHORELINE, .3 Guidelines, item “m” replace with, “Decking materials must allow for a minimum of 43% open space to allow for light penetration to the water surface. Light transmitting materials may be made of various materials shaped in the form of grids, grates, and lattices to allow for light passage to the water surface.”

CARRIED

GM-2021-095

It was MOVED and SECONDED,

that the Gambier Island Local Trust Committee request staff to prepare the following change to Proposed Bylaw No. 154:

In Appendix 1, 9.3 DP-3 SHORELINE, .3 Guidelines, add a new guideline “n” that provides, “To allow for the maximum amount of light penetration to the water surface”, and renumber the subsequent guidelines.

CARRIED

GM-2021-096

It was MOVED and SECONDED,

that the Gambier Island Local Trust Committee request staff to prepare the following change to Proposed Bylaw No. 154:

In Appendix 1, 9.3 DP-3 SHORELINE, .3 Guidelines, item “q” replace with, “The access ramps, piers, walkways and stairs for docks should not exceed a maximum width of 1.5 metres.”

CARRIED

The requested amendments were made to Proposed Bylaw Nos. 153 and 154, copies of which are provided in Attachments 1 and 3 of this report.

The following additional resolutions were passed by the LTC at the November 18, 2021 meeting:

GM-2021-097

It was MOVED and SECONDED,

that the Gambier Island Local Trust Committee request staff to refer Proposed Bylaw No. 154 to the following First Nations:

- a. Skwxwú7mesh (Squamish) Nation, səli lwətaʔt (Tsleil-waututh) Nation, xwməθkwəyəm (Musqueam) Indian Band, shíshálh (Sechelt) First Nation, Xeláltxw (Halalt) First Nation, Spune’luxutth (Penelakut) Tribe, Ts’uubaa-asatx (Lake Cowichan First) Nation, Quw’utsun (Cowichan) Tribes, Stz’uminus First Nation, Lyackson First Nation, Snaw’Naw’As Nation and Te’mexw Treaty Association.

CARRIED

GM-2021-098

It was MOVED and SECONDED,

that the Gambier Island Local Trust Committee request staff to work with trustees to develop a public mail-out that addresses frequently asked questions, public concerns, and scientific justification for aspects of the bylaw changes, to be sent out mid-January of 2022.

CARRIED

Referrals to First Nations were sent on December 17, 2021 and a response from Skwxwú7mesh (Squamish) Nation was received on March 8, 2022. A follow-up meeting was held between Skwxwú7mesh (Squamish) Nation, Islands Trust staff and Trustees Stamford and Rogers on June 17, 2022 to discuss the referral response.

A [public mail-out](#) was sent to property owners on Keats Island on March 10, 2022. It was also sent out to all those who have signed up to receive Gambier Island Local Trust Committee email updates on March 11, 2022.

Reports and associated information for the Keats Island Shoreline Protection project are available on the Islands Trust website, under [Gambier Projects](#).

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

Staff have previously provided an analysis of the proposed bylaws in the [staff report](#) dated July 22, 2021, and have determined Proposed Bylaw Nos. 153 and 154 are not contrary to or at variance with the ITPS.

Issues and Opportunities

Amendments to Proposed Bylaws:

At the November 18, 2021 LTC meeting, the LTC considered several recommended amendments to Proposed Bylaw Nos. 153 and 154. A discussion of the amendments were included in the [staff report](#) dated November 18, 2021.

The amended copies of Proposed Bylaw Nos. 153 and 154 are found in Attachments 1 and 3, and the LTC is asked to consider second reading of the bylaws.

Staff have included “track changes” copies of the proposed bylaws in Attachments 2 and 4. The “track changes” copies provide a reference of the proposed bylaws at first reading and highlight the amendments made at the November 18, 2021 meeting and the referral response from Skwxwú7mesh (Squamish) Nation.

CIM and Public Hearing:

Under section 464 of the *Local Government Act* (LGA), a local government must hold a public hearing to adopt an official community plan bylaw and zoning bylaw, “...for the purpose of allowing the public to make representations to the local government respecting matters contained in the proposed bylaw.” Under section 465 (1) of the LGA, a public hearing must be held after first reading and before third reading of a proposed bylaw.

The purpose of the public hearing is to hear the view of community members regarding a proposed bylaw. A public hearing is preceded by a community information meeting (CIM), which is intended to introduce the proposed

bylaws and respond to any questions community members may have prior to voicing their opinion at the public hearing.

Staff are recommending a community information and public hearing be scheduled at this time. The community information meeting will be scheduled online in mid-September. The public hearing will have to be scheduled outside of a regular LTC meeting in mid-October 2022. The LTC may consider potential dates and request staff to schedule the meetings accordingly. Staff will circulate notification of the community information meeting and public hearing in advance of the meeting date.

Consultation

Referrals:

Referral responses received to date were included in the [staff report](#) dated November 18, 2021.

A second referral of Proposed Bylaw No. 154 (LUB) was forwarded to First Nations on December 17, 2021. Based on the Consultative Areas Database (CAD) mapping, staff have updated the list of Nations for referrals to include the following:

- Skwxwú7mesh (Squamish) Nation
- səli lwətaʔt (Tsleil-waututh) Nation
- xwməθkwəyəm (Musqueam) Indian Band
- Ts'uubaa-asatx (Lake Cowichan First) Nation
- Stz'uminus First Nation
- Lyackson First Nation
- Spune'luxutth (Penelakut) Tribe
- Quw'utsun (Cowichan) Tribes
- Xeláltxw (Halalt) First Nation
- Snuneymuxw First Nation

Bylaw Referral Responses

At the time of this report, a referral response from Skwxwú7mesh (Squamish) Nation and Lasqueti Island LTC have been received. The referral response from Skwxwú7mesh (Squamish) Nation has been included as Attachment 5.

A summary of the referral responses that have been received are provided in Table 1:

Table 1. Summary of Referral Responses

First Nation/ Agency / Group	Summary Response to Bylaw Referral	Staff Comments
Lasqueti Island Local Trust Committee	<ul style="list-style-type: none"> • Interests Unaffected by Bylaw 	None.
Skwxwú7mesh (Squamish) Nation	<ul style="list-style-type: none"> • Recommend language addressing archaeological concerns incorporated into the bylaw, specifically that should ground disturbance through construction or maintenance be planned in the 	Staff does not recommend moving forward with this recommendation at this time. DPA guidelines are not permitted to require archaeological assessments. DPAs have specific purposes as listed in Section 488(1) of the Local Government Act. There is an

First Nation/ Agency / Group	Summary Response to Bylaw Referral	Staff Comments
	<p>shoreline zone, an archaeological assessment will be required.</p> <ul style="list-style-type: none"> • Recommend stronger language for letter "l" in Guidelines for the Construction and Replacement of Docks and Ramps around dock construction near eelgrass and kelp beds. Any new docks should not be implemented within 8 meters of an established eelgrass bed, or within 4 meters of an established kelp bed. • Recommend stronger language for letter "t" in Guidelines for the Construction and Replacement of Docks and Ramps. Mooring buoys must be seagrass friendly to prevent scouring on the sea floor, and must include buoys with a mid-line float so as to prevent unnecessary damage to eelgrass habitat • Also, can you provide rationale around the proposed amendment to change the coastal setback of buildings from 15 meters to 7.5 meters? We see that it is only 15 meters for 2 lots. With the present-day increasing frequency and intensity of storms, coastal erosion, and sea level rise, we would recommend considering the original proposed set back of 15 meters. 	<p>opportunity to revisit this recommendation through a Heritage Conservation Area, at a later date.</p> <p>Guidelines have been updated to specify that a Qualified Professional Biologist will need to be consulted to determine the appropriate distance between docks and eelgrass and kelp beds.</p> <p>Guidelines have not been updated. Staff is recommending to move a mooring buoy community education program on to the projects list and hopefully, make it a priority in the next political term.</p> <p>Setback will remain at 7.5 metres.</p> <p>Staff responded to the referral on March 8, 2021 asking if they would like a formal response from the LTC regarding rationale for the proposed amendment to change the coastal setback of buildings from 15 meters to 7.5 meters.</p> <p>Squamish Nation replied on March 15, 2021 with "A formal response isn't necessary, but if the LTC meeting is where this topic can be discussed and the rationale can be understood we would be interested in hearing from them then.</p> <p>As mentioned above, we currently recommend reconsidering to the original 15 m coastal setback, along with our other recommendations."</p>

First Nation/ Agency / Group	Summary Response to Bylaw Referral	Staff Comments
		In a meeting held on June 17, 2022 staff and Trustees met with representatives from Skwxwú7mesh (Squamish) Nation to discuss the rationale and challenge with a 15 metres setback.

On May 30, 2022 the Gambier Island LTC sent a letter to Skwxwú7mesh (Squamish) Nation as a follow-up to their referral response and to request a meeting (Attachment 6). A meeting was held on June 17, 2022 between staff, representatives from Skwxwú7mesh (Squamish) Nation and Trustees Stamford and Rogers. There were lengthy discussions around all of the concerns raised by Skwxwú7mesh (Squamish) Nation. The amendment to Proposed Bylaw No. 154 and the recommendation for an educational component around environmentally friendly mooring buoys is a result of those discussions. Skwxwú7mesh (Squamish) Nation requested that they review the proposed amendments to Bylaw No. 154 and as a result, staff are recommending to send another referral after 2nd reading.

Suggested Amendments

Proposed Bylaw No. 154 (LUB)

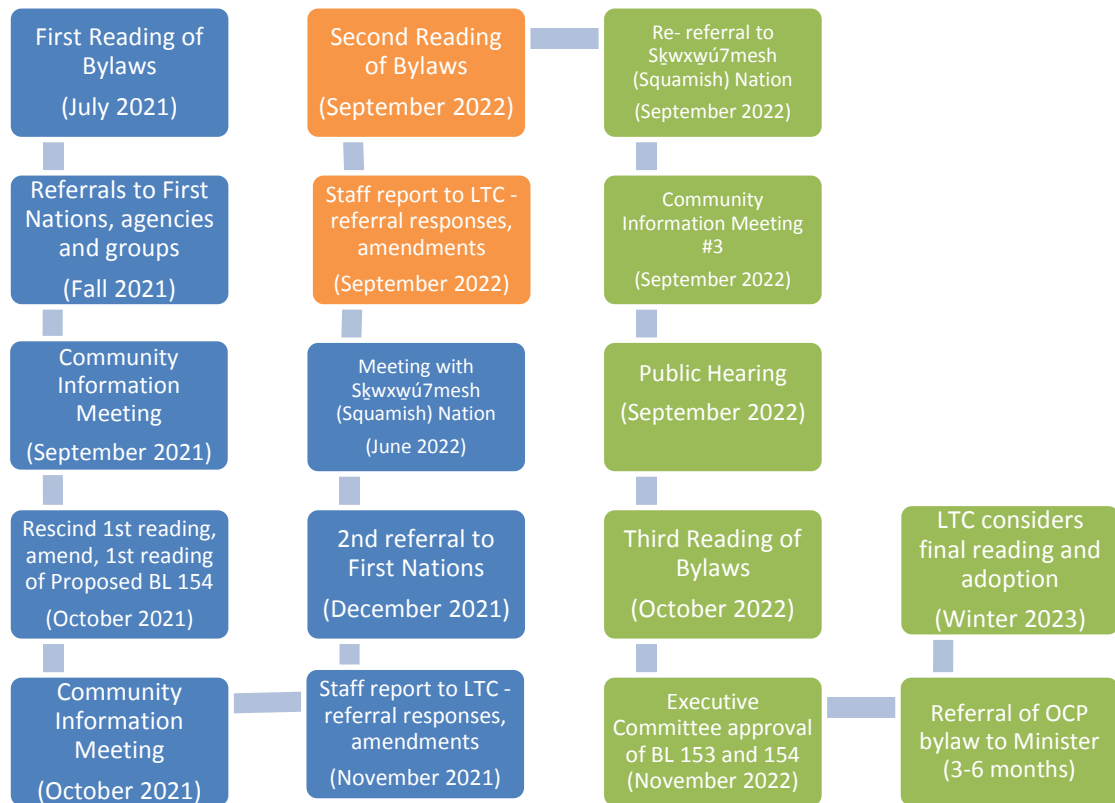
Staff are recommending one amendment to Proposed Bylaw No. 154 based on the referral response from Skwxwú7mesh (Squamish) Nation.

Guidelines for the Construction and Replacement of Docks and Ramps

Staff are suggesting that stronger language related to use of a Qualified Environmental Biologist “k” be added. Instead of “this may require an environmental assessment by a Qualified Professional Biologist” it will read “this will require an environmental assessment by a Qualified Professional Biologist”.

Timeline:

The following timeline outlines the bylaw amendment process milestones to date along with next steps and approximate timing which may assist in managing community expectations in how an OCP and LUB amendment such as this is processed. The blue steps identify completed milestones, the orange identifies the current stage, and the green identifies potential next steps or milestones in the process.



Public input may be received by the LTC at any point during the OCP and LUB amendment process up until the end of the public hearing.

Rationale for Recommendation

The amendments made to Proposed Bylaw Nos. 153 and 154 were recommended by staff in response to discussions with referral agencies and from the CIMs held in September and October 2021, and approved by the LTC at the November 18, 2021 LTC meeting.

Given that concerns from First Nations came forward during the referral period, staff are recommending Proposed Bylaw Nos. 153 and 154 be given second reading with suggested amendments.

Prior to third reading, the LTC is required to hold a public hearing (between first and before third reading), therefore staff are recommending that the LTC request staff to schedule a public hearing (date to be determined).

The staff recommendations are found on Page 1 of this report.

ALTERNATIVES

The LTC may consider the following alternatives to the staff recommendation:

1. Give Second Reading without amendments

The LTC may consider no additional amendments to the proposed bylaws are warranted and give second reading to the proposed bylaws without concurring with the amendments. If choosing this option, the LTC should direct staff to schedule a Public Hearing. Recommended wording for the resolution is as follows:

That the Gambier Island Local Trust Committee Bylaw No. 153, cited as “Keats Island Official Community Plan, 2002, Amendment No. 1, 2021”, be read a second time.

That the Gambier Island Local Trust Committee Bylaw No. 154, cited as “Keats Island Land Use Bylaw, 2002, Amendment No. 1, 2021”, be read a second time.

That the Gambier Island Local Trust Committee request staff to schedule a Public Hearing for Bylaw No. 153 cited as “Keats Island Official Community Plan, 2002, Amendment No. 1, 2021” and Bylaw No. 154 cited as “Keats Island Land Use Bylaw, 2002, Amendment No. 1, 2021”.

2. Further Amend Proposed Bylaw No. 153 and 154, give Second Reading

The LTC may further amend the proposed bylaws beyond what is detailed in this report and give second reading. If selecting this alternative, the LTC should include specific wording in the resolution wording based on the recommendations on page 1 of this report.

3. Request further information

The LTC may request further information prior to making a decision. Staff advise that the implications of this alternative are potential delays to the LTC’s work plan timeline in the Project Charter. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. Recommended wording for the resolution is as follows:

That the Gambier Island Local Trust Committee request the following information [list].

NEXT STEPS

Should the LTC concur with the staff recommendations, staff will update the Proposed Bylaws and schedule a public hearing for Proposed Bylaw Nos. 153 and 154. Once a date is decided, public notification of the public hearing will be coordinated.

Submitted By:	Marlis McCargar, Island Planner	August 16, 2022
Concurrence:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	August 18, 2022

ATTACHMENTS

1. Proposed Bylaw No. 153, amended (clean copy) – for consideration of 2nd reading
2. Proposed Bylaw No. 153, amended (track changes)
3. Proposed Bylaw No. 154, amended (clean copy) – for consideration of 2nd reading
4. Proposed Bylaw No. 154, amended (track changes)
5. March 8, 2022 referral response from Skwxwú7mesh (Squamish) Nation
6. May 30, 2022 Letter to Skwxwú7mesh (Squamish) Nation

**GAMBIER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 153**

A BYLAW TO AMEND KEATS ISLAND OFFICIAL COMMUNITY PLAN, 2002

The Gambier Island Local Trust Committee, being the Local Trust Committee having jurisdiction in respect of the Gambier Island Local Trust Area under the *Islands Trust Act*, enacts as follows:

1. Bylaw No. 77, cited as “Keats Island Official Community Plan, 2002” is amended as per Schedules “1” and “2” attached to and forming part of this bylaw.
2. This bylaw may be cited for all purposes as “Keats Island Official Community Plan, 2002, Amendment No. 1, 2021”.

READ A FIRST TIME THIS 22ND DAY OF JULY , 2021

READ A SECOND TIME THIS _____ DAY OF _____ , 20XX

PUBLIC HEARING HELD THIS _____ DAY OF _____ , 20XX

READ A THIRD TIME THIS _____ DAY OF _____ , 20XX

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____ , 20XX

APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING THIS

_____ DAY OF _____ , 20XX

ADOPTED THIS _____ DAY OF _____ , 20XX

Chair

Secretary

**GAMBIER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 153**

Schedule “1”

1. Schedule “A” of “Keats Island Official Community Plan, 2002” is amended as follows:
 - 1.1 **PART A – ADMINISTRATION AND INTERPRETATION**, is amended by replacing *Local Government Act* references to “Section 911” with “Section 528”.
 - 1.2 **PART B – GOALS, OBJECTIVES AND POLICIES**, is amended by replacing *Local Government Act* references to “Section 946” with “Section 514”.
 - 1.3 **PART C – DEVELOPMENT PERMIT AREAS**, is amended by replacing *Local Government Act* references to “Section 919.1(1)” with “Section 488(1)” and “Section 920.01” with “Section 485”.
 - 1.4 **PART C – DEVELOPMENT PERMIT AREAS**, is amended by adding a new subsection 3:

“3. DEVELOPMENT PERMIT AREA 3: SHORELINE

The development permit area (DPA) is established, pursuant to Section 488(1)(a) of the *Local Government Act* for the protection of the natural environment, its ecosystems and biological diversity; and Section 488(1)(b) of the *Local Government Act* for the protection of development from hazardous conditions.

The Shoreline DPA (DP-3) is designated as an area for which development approval information may be required as authorized by Section 484 of the *Local Government Act*.

Location

The Shoreline Development Permit Area (DP-3) includes all land designated on **Schedule E – Development Permit Areas** of this plan.

The Shoreline Development Permit Area applies to all land measured 15 metres upland of the present natural boundary of the sea, the foreshore area and all that area of land covered by water between the natural boundary of the sea and a line drawn parallel to and 100 metres seaward of the natural boundary of the sea.

Justification

It is the Object of the Islands Trust to “preserve and protect the Trust Area and its unique amenities and environment for the benefit of the residents of the Trust Area and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia.”

It is the policy of the Islands Trust Council that protection must be given to the natural processes, habitats and species of the Trust Area, and that development activity, buildings or structures should not result in a loss of significant marine or coastal habitat, or interfere with natural coastal processes.

It is also policy of the Islands Trust Council that local trust committees shall in their Official Community Plans and regulatory bylaws, address:

- the protection of sensitive coastal areas;
- the planning for and regulation of development in coastal regions to protect natural coastal processes;
- the protection of public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments; and
- the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and to direct development away from such hazards.

Keats Island includes a mix of rock (hard) and sediment (soft) shorelines that offer a range of natural habitats, ecological functions, cultural heritage and aesthetic values. The shoreline has environmental and cultural significance for forage fish, eelgrass, shorebirds and shellfish, marine mammals such as seals and many other marine organisms, as well as values that define the character of the Keats Island community. The Keats shoreline has been the location of cultural sites, canoe landings and gathering places for First Nations since time immemorial. The shoreline also includes area that are transition zones of uplands and wetlands that may be susceptible to erosion or flooding.

Development activities on the upland such as land clearing and increasing impermeable surfaces can have harmful impacts on site drainage, bank stability, nesting habitat, sensitive natural areas, shading of intertidal areas critical for fish habitat and cultural and heritage sites.

Since the adoption of the OCP, there has been an increase in residential development on Keats Island along the shoreline. As of 2020, there were over 120 individual parcels fronting the natural boundary of the sea on Keats Island. The subdivision and development of these parcels in combination with the development that has already occurred, may, cumulatively, have a detrimental impact on the 13.72 km of shoreline habitat and function.

In 2013, approx. 9% of the Keats shoreline was identified to have been modified by 30% or more by development, principally by boat ramps, seawalls, rip rap and revetments. Applications for private docks and shoreline protection structures have increased since that time. Shoreline armouring, such as retaining walls, alter the shoreline and can result in loss of habitat and upland connectivity and may increase wave action and erosion on adjacent properties. Marine structures, such as ramps or docks, and their supporting pilings can have significant impact on fish movement and their habitat, and damage important marine vegetation.

Anticipated sea level rise and more frequent severe storm events as a result of climate change, may increase coastal flooding and erosion. It is recognized that there is a need for balance between ecological protection or other environmental values and the use of privately owned land.

Objectives

The objectives of this development permit area are as follows:

OBJ 3.1 TO PLAN AND REGULATE NEW DEVELOPMENT IN A MANNER THAT PRESERVES, PROTECTS AND RESTORES THE LONG-TERM PHYSICAL INTEGRITY, CONNECTIVITY, AND ECOLOGICAL AND MARINE RESOURCE VALUES OF SHORELINES AND ASSOCIATED FORESHORE AND UPLAND AREAS;

- OBJ 3.2** TO BALANCE DEVELOPMENT OPPORTUNITIES WITH THE ECOLOGICAL CONSERVATION AND RESTORATION OF THE SHORELINE AND MARINE ENVIRONMENT;
- OBJ 3.3** TO MINIMIZE THE DISRUPTION OF NATURAL FEATURES AND PROCESSES AND TO RETAIN, WHEREVER POSSIBLE, NATURAL VEGETATION AND NATURAL FEATURES;
- OBJ 3.4** TO MAINTAIN THE PUBLIC'S SAFE USE AND ACCESS TO IMPORTANT RECREATION AREAS IN A WAY THAT DOES NOT COMPROMISE THE ECOLOGICAL INTEGRITY OF THE SHORELINE;
- OBJ 3.5** TO ADAPT TO THE ANTICIPATED EFFECTS OF CLIMATE CHANGE;
- OBJ 3.6** TO PROTECT COASTAL PROPERTIES AND DEVELOPMENT FROM DAMAGE AND HAZARDOUS CONDITIONS THAT CAN ARISE FROM EROSION AND FLOODING.

Development Approval Information

Development Permit Area 3 is designated as an area for which development approval information may be required as authorized by Section 485 of the *Local Government Act*. Development approval information in the form of a report from a Qualified Professional may be required due to the special conditions and objectives described above.

INFORMATION NOTE: Development Permit Area guidelines for DP-3 Shoreline are in the Keats Island Land Use Bylaw."

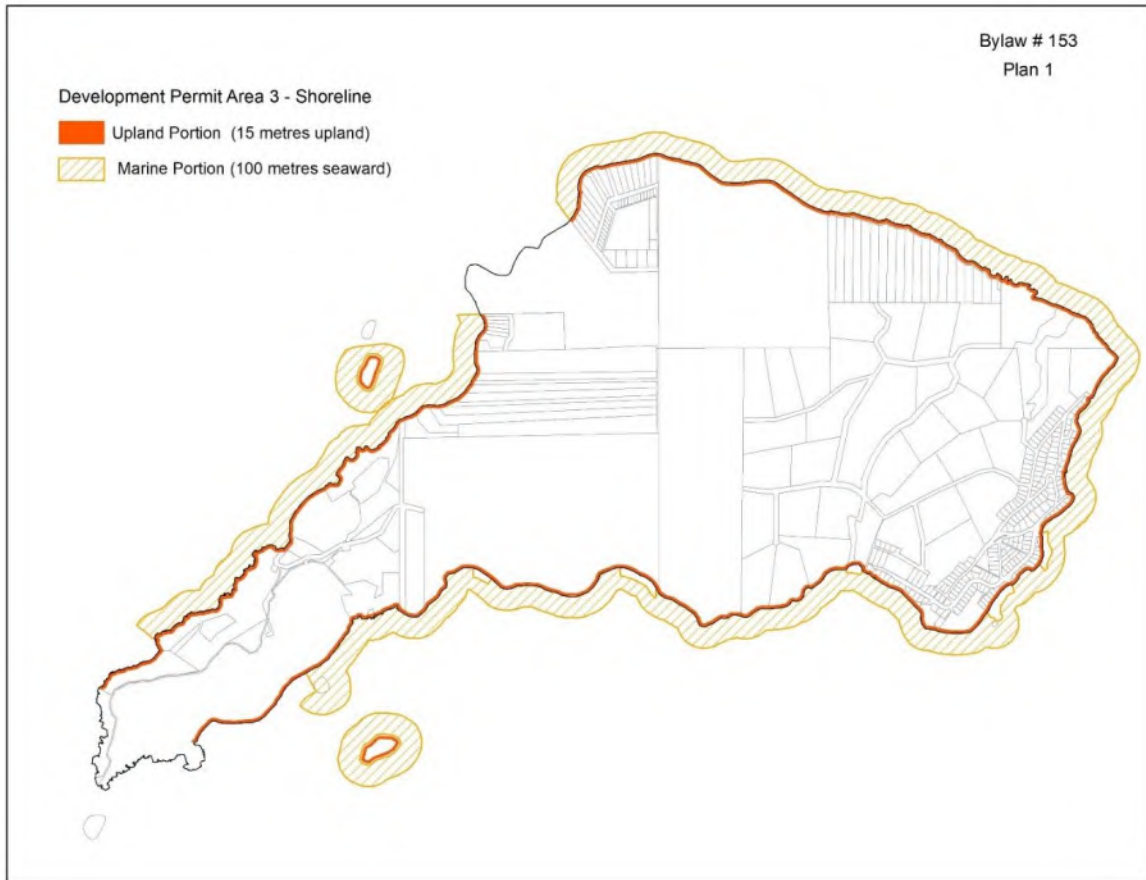
**GAMBIER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 153**

Schedule "2"

1. **Schedule "E" – DEVELOPMENT PERMIT AREAS**, is amended by designating a new Development Permit Area 3: Shoreline as shown on Plan No. 1 attached to and forming part of this bylaw and by making such alterations to Schedule "E" of Bylaw No. 77 as are required to effect this change.

**GAMBIER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 153**

Plan No. 1



Attachment 2

PROPOSED

GAMBIER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 153

A BYLAW TO AMEND KEATS ISLAND OFFICIAL COMMUNITY PLAN, 2002

The Gambier Island Local Trust Committee, being the Local Trust Committee having jurisdiction in respect of the Gambier Island Local Trust Area under the *Islands Trust Act*, enacts as follows:

1. Bylaw No. 77, cited as “Keats Island Official Community Plan, 2002” is amended as per Schedules “1” and “2” attached to and forming part of this bylaw.
2. This bylaw may be cited for all purposes as “Keats Island Official Community Plan, 2002, Amendment No. 1, 2021”.

READ A FIRST TIME THIS 22ND DAY OF JULY , 2021

READ A SECOND TIME THIS _____ DAY OF _____ , 20XX

PUBLIC HEARING HELD THIS _____ DAY OF _____ , 20XX

READ A THIRD TIME THIS _____ DAY OF _____ , 20XX

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____ , 20XX

APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING THIS

_____ DAY OF _____ , 20XX

ADOPTED THIS _____ DAY OF _____ , 20XX

Chair

Secretary

**GAMBIER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 153**

Schedule “1”

1. Schedule “A” of “Keats Island Official Community Plan, 2002” is amended as follows:
 - 1.1 **PART A – ADMINISTRATION AND INTERPRETATION**, is amended by replacing *Local Government Act* references to “Section 911” with “Section 528”.
 - 1.2 **PART B – GOALS, OBJECTIVES AND POLICIES**, is amended by replacing *Local Government Act* references to “Section 946” with “Section 514”.
 - 1.3 **PART C – DEVELOPMENT PERMIT AREAS**, is amended by replacing *Local Government Act* references to “Section 919.1(1)” with “Section 488(1)” and “Section 920.01” with “Section 485”.
 - 1.4 **PART C – DEVELOPMENT PERMIT AREAS**, is amended by adding a new subsection 3:

“3. DEVELOPMENT PERMIT AREA 3: SHORELINE

The development permit area (DPA) is established, pursuant to Section 488(1)(a) of the *Local Government Act* for the protection of the natural environment, its ecosystems and biological diversity; and Section 488(1)(b) of the *Local Government Act* for the protection of development from hazardous conditions.

The Shoreline DPA (DP-3) is designated as an area for which development approval information may be required as authorized by Section 484 of the *Local Government Act*.

Location

The Shoreline Development Permit Area (DP-3) includes all land designated on **Schedule E – Development Permit Areas** of this plan.

The Shoreline Development Permit Area applies to all land measured 15 metres upland of the present natural boundary of the sea, the foreshore area and all that area of land covered by water between the natural boundary of the sea and a line drawn parallel to and 100 metres seaward of the natural boundary of the sea.

Justification

It is the Object of the Islands Trust to “preserve and protect the Trust Area and its unique amenities and environment for the benefit of the residents of the Trust Area and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia.”

It is the policy of the Islands Trust Council that protection must be given to the natural processes, habitats and species of the Trust Area, and that development activity, buildings or structures should not result in a loss of significant marine or coastal habitat, or interfere with natural coastal processes.

It is also policy of the Islands Trust Council that local trust committees shall in their Official Community Plans and regulatory bylaws, address:

- the protection of sensitive coastal areas;
- the planning for and regulation of development in coastal regions to protect natural coastal processes;
- the protection of public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments; and
- the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and to direct development away from such hazards.

Keats Island includes a mix of rock (hard) and sediment (soft) shorelines that offer a range of natural habitats, ecological functions, cultural heritage and aesthetic values. The shoreline has environmental and cultural significance for forage fish, eelgrass, shorebirds and shellfish, marine mammals such as seals and many other marine organisms, as well as values that define the character of the Keats Island community. The Keats shoreline has been the location of cultural sites, canoe landings and gathering places for First Nations since time immemorial. The shoreline also includes area that are transition zones of uplands and wetlands that may be susceptible to erosion or flooding.

Development activities on the upland such as land clearing and increasing impermeable surfaces can have harmful impacts on site drainage, bank stability, nesting habitat, sensitive natural areas, shading of intertidal areas critical for fish habitat and cultural and heritage sites.

Since the adoption of the OCP, there has been an increase in residential development on Keats Island along the shoreline. As of 2020, there were ~~90~~ over 120 individual parcels fronting the natural boundary of the sea on Keats Island. The subdivision and development of these parcels in combination with the development that has already occurred, may, cumulatively, have a detrimental impact on the 13.72 km of shoreline habitat and function.

In 2013, approx. 9% of the Keats shoreline was identified to have been modified by 30% or more by development, principally by boat ramps, seawalls, rip rap and revetments. Applications for private docks and shoreline protection structures have increased since that time. Shoreline armouring, such as retaining walls, alter the shoreline and can result in loss of habitat and upland connectivity and may increase wave action and erosion on adjacent properties. Marine structures, such as ramps or docks, and their supporting pilings can have significant impact on fish movement and their habitat, and damage important marine vegetation.

Anticipated sea level rise and more frequent severe storm events as a result of climate change, may increase coastal flooding and erosion. It is recognized that there is a need for balance between ecological protection or other environmental values and the use of privately owned land.

Objectives

The objectives of this development permit area are as follows:

OBJ 3.1 TO PLAN AND REGULATE NEW DEVELOPMENT IN A MANNER THAT PRESERVES, PROTECTS AND RESTORES THE LONG-TERM PHYSICAL INTEGRITY, CONNECTIVITY, AND ECOLOGICAL AND MARINE RESOURCE VALUES OF SHORELINES AND ASSOCIATED FORESHORE AND UPLAND AREAS;

- OBJ 3.2** TO BALANCE DEVELOPMENT OPPORTUNITIES WITH THE ECOLOGICAL CONSERVATION AND RESTORATION OF THE SHORELINE AND MARINE ENVIRONMENT;
- OBJ 3.3** TO MINIMIZE THE DISRUPTION OF NATURAL FEATURES AND PROCESSES AND TO RETAIN, WHEREVER POSSIBLE, NATURAL VEGETATION AND NATURAL FEATURES;
- OBJ 3.4** TO MAINTAIN THE PUBLIC'S SAFE USE AND ACCESS TO IMPORTANT RECREATION AREAS IN A WAY THAT DOES NOT COMPROMISE THE ECOLOGICAL INTEGRITY OF THE SHORELINE;
- OBJ 3.5** TO ADAPT TO THE ANTICIPATED EFFECTS OF CLIMATE CHANGE;
- OBJ 3.6** TO PROTECT COASTAL PROPERTIES AND DEVELOPMENT FROM DAMAGE AND HAZARDOUS CONDITIONS THAT CAN ARISE FROM EROSION AND FLOODING.

Development Approval Information

Development Permit Area 3 is designated as an area for which development approval information may be required as authorized by Section 485 of the *Local Government Act*. Development approval information in the form of a report from a Qualified Professional may be required due to the special conditions and objectives described above.

INFORMATION NOTE: Development Permit Area guidelines for DP-3 Shoreline are in the Keats Island Land Use Bylaw."

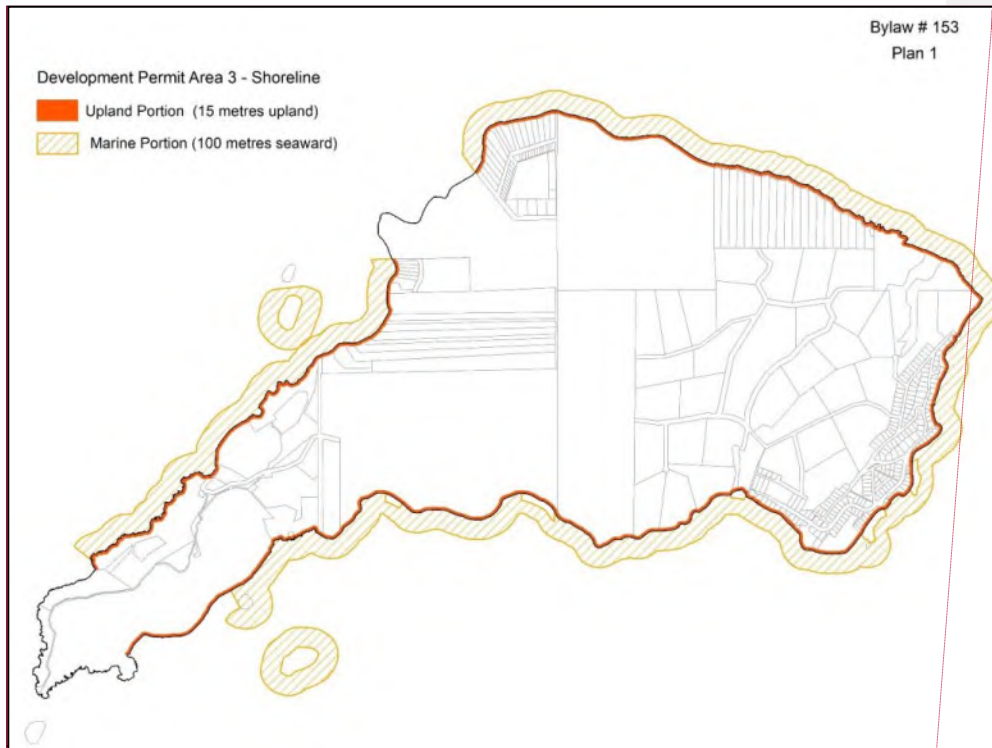
**GAMBIER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 153**

Schedule "2"

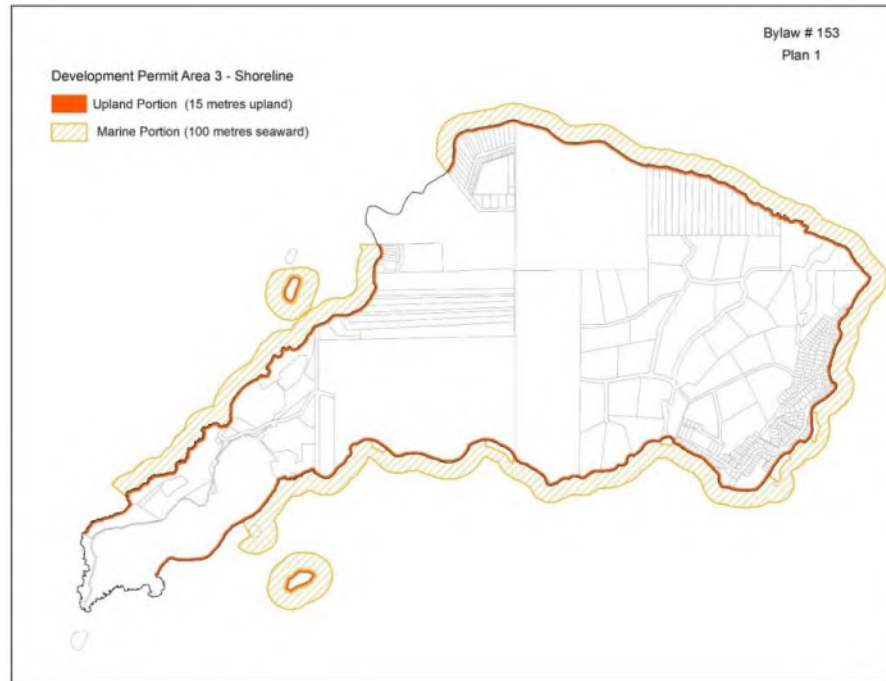
1. **Schedule "E" – DEVELOPMENT PERMIT AREAS**, is amended by designating a new Development Permit Area 3: Shoreline as shown on Plan No. 1 attached to and forming part of this bylaw and by making such alterations to Schedule "E" of Bylaw No. 77 as are required to effect this change.

**GAMBIER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 153**

Plan No. 1



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GAMBIER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 154

A BYLAW TO AMEND KEATS ISLAND LAND USE BYLAW, 2002

The Gambier Island Local Trust Committee, being the Local Trust Committee having jurisdiction in respect of the Gambier Island Local Trust Area under the *Islands Trust Act*, enacts as follows:

- 1. Bylaw No. 78, cited as “Keats Island Land Use Bylaw, 2002” is amended as per Schedule “1” attached to and forming part of this bylaw.
- 2. This bylaw may be cited for all purposes as “Keats Island Land Use Bylaw, 2002, Amendment No. 1, 2021”.

READ A FIRST TIME THIS 14th DAY OF OCTOBER , 2021

READ A SECOND TIME THIS _____ DAY OF _____ , 20XX

PUBLIC HEARING HELD THIS _____ DAY OF _____ , 20XX

READ A THIRD TIME THIS _____ DAY OF _____ , 20XX

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS _____ DAY OF _____ , 20XX

ADOPTED THIS _____ DAY OF _____ , 20XX

Chair

Secretary

**GAMBIER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 154**

Schedule “1”

1. Schedule “A” of Keats Island Land Use Bylaw, 2002 is amended as follows:
 - 1.1 **PART 1 – ADMINISTRATION AND INTERPRETATION**, Section 1.5 **DEFINITIONS**, Subsection 1.5.1 is amended by adding the following definition in alphabetical order:

“**platform** means an unenclosed flat surface raised from the ground to serve for the loading and offloading of materials and supplies.”
 - 1.2 **PART 2 – GENERAL LAND USE REGULATIONS**, Section 2.7 **MEASUREMENT OF SETBACKS Buildings and Structures**, Subsection 2.7.3 is amended by removing it in its entirety and replacing it with the following:
 - “a) No building or structure except a platform with a maximum area of 5 square metres, or a set of stairs or a walkway for the purposes of accessing the foreshore or a permitted float, dock, wharf or other permitted marine related structure, may be constructed, reconstructed, moved, extended or located within 7.5 metres (24.6 feet) of the natural boundary of the sea.
 - b) Notwithstanding subparagraph a), for properties zoned Rural Comprehensive (Lot 876 and Lot 1829) the setback set out above shall be 15 metres (49.2 feet).”
 - 1.3 **PART 2 – GENERAL LAND USE REGULATIONS**, Section 2.7 **MEASUREMENT OF SETBACKS Buildings and Structures**, Subsection 2.7.5 is amended by replacing “3.0 metres” with “5.0 metres”.
 - 1.4 **PART 2 – GENERAL LAND USE REGULATIONS**, Section 2.7 **MEASUREMENT OF SETBACKS Buildings and Structures**, is amended by inserting the following new subsection as follows:

“**2.7.6** Private floats and docks shall be sited at least 10 metres from any existing dock or structure.”
 - 1.5 **PART 2 – GENERAL LAND USE REGULATIONS**, Section 2.7 **MEASUREMENT OF SETBACKS Buildings and Structures**, is amended by renumbering Subsection 2.7.6 – Sewage Disposal Fields to Subsection 2.7.7.
 - 1.6 **PART 4 – ZONE REGULATIONS**, Section 4.1 **COMMUNITY RESIDENTIAL 1 (CR1) ZONE**, Subsection 4.1.4 is amended by inserting the words “, dock ramps” after “docks” and before “and stairs”.
 - 1.7 **PART 4 – ZONE REGULATIONS**, Section 4.1 **COMMUNITY RESIDENTIAL 1 (CR1) ZONE**, Subsection 4.1.6 is amended by replacing “65 square metres (700 square feet)” with “36 square metres (387.5 square feet)”.
 - 1.8 **PART 4 – ZONE REGULATIONS**, Section 4.1 **COMMUNITY RESIDENTIAL 1 (CR1) ZONE**, Subsection 4.1.7 is amended by replacing “47 square metres (500 square feet)” with “25

square metres (269 square feet)” and by replacing “158 square metres (1,700 square feet)” with “85 square metres (915 square feet)”.

1.9 **PART 4 – ZONE REGULATIONS**, Section 4.1 **COMMUNITY RESIDENTIAL 1 (CR1) ZONE**, Subsection 4.1.8 is amended by replacing “2.4 metres (8 feet)” with “1.5 metres (4.9 feet)”.

1.10 **PART 4 – ZONE REGULATIONS**, Section 4.4 **RURAL RESIDENTIAL (RR) ZONE**, Subsection 4.4.6 is amended by replacing “65 square metres (700 square feet)” with “36 square metres (387.5 square feet)”.

1.11 **PART 4 – ZONE REGULATIONS**, Section 4.4 **RURAL RESIDENTIAL (RR) ZONE**, Subsection 4.4.7 is amended by replacing “47 square metres (500 square feet)” with “25 square metres (269 square feet)” and by replacing “158 square metres (1,700 square feet)” with “85 square metres (915 square feet)”.

1.12 **PART 4 – ZONE REGULATIONS**, Section 4.4 **RURAL RESIDENTIAL (RR) ZONE**, Subsection 4.4.8 is amended by replacing “2.4 metres (8 feet)” with “1.5 metres (4.9 feet)”.

1.13 **PART 4 – ZONE REGULATIONS**, Section 4.5 **RURAL COMPREHENSIVE (RC) ZONE**, Subsection 4.5.7 is amended by replacing “Article 6 of this subsection” with “Subsection 4.5.6”.

1.14 **PART 4 – ZONE REGULATIONS**, Section 4.5 **RURAL COMPREHENSIVE (RC) ZONE**, Subsection 4.5.6 is amended by replacing “65 square metres (700 square feet)” with “36 square metres (387.5 square feet)”.

1.15 **PART 4 – ZONE REGULATIONS**, Section 4.5 **RURAL COMPREHENSIVE (RC) ZONE**, Subsection 4.5.7 is amended by replacing “47 square metres (500 square feet)” with “25 square metres (269 square feet)” and by replacing “158 square metres (1,700 square feet)” with “85 square metres (915 square feet)”.

1.16 **PART 4 – ZONE REGULATIONS**, Section 4.5 **RURAL COMPREHENSIVE (RC) ZONE**, Subsection 4.5.8 is amended by replacing “2.4 metres (8 feet)” with “1.5 metres (4.9 feet)”.

1.17 **PART 4 – ZONE REGULATIONS**, Section 4.6 **PRIVATE INSTITUTIONAL 2 (PI2) ZONE**, Subsection 4.6.5 is amended by replacing “3,000 square metres (32,970 square feet)” with “1,000 metres (10,764 square feet)”.

1.18 **PART 4 – ZONE REGULATIONS**, Section 4.10 **PROVINCIAL MARINE PARK (P2) ZONE**, Subsection 4.10.6 is amended by replacing “dock floats” with “a wharf float”.

1.19 **PART 4 – ZONE REGULATIONS**, Section 4.10 **PROVINCIAL MARINE PARK (P2) ZONE**, Subsection 4.10.7 is amended by replacing “dock” with “wharf”.

1.20 **PART 4 – ZONE REGULATIONS**, Section 4.12 **MARINE 2 – COMMUNAL MOORAGE (M2) ZONE**, Subsection 4.12.5 is amended by replacing “2.4 metres (8 feet)” with “1.5 metres (4.9 feet)”.

1.21 **PART 4 – ZONE REGULATIONS**, Section 4.12 **MARINE 2 – COMMUNAL MOORAGE (M2) ZONE**, Subsection 4.12.6, **Table 4.1**, Site Specific Regulation (a) is amended by replacing

“65 square metres (700 square feet)” with “36 square metres (387.5 square feet)” and by replacing “47 square metres (500 square feet)” with “25 square metres (269 square feet)” and by replacing “158 square metres (1,700 square feet)” with “85 square metres (915 square feet)”.

- 1.22 **PART 9 – DEVELOPMENT PERMIT AREA GUIDELINES**, is amended by adding a new Section **9.3 DP-3 SHORELINE** as shown on Appendix 1 attached to and forming part of this bylaw.

**GAMBIER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 154**

Appendix 1

9.3 DP-3 SHORELINE

Applicability

.1 The following activities shall require a development permit whenever they occur within the Development Permit Area 3: Shoreline (DP-3), unless specifically exempted under Subsection 9.3.2:

- construction of, addition to or alteration of a building or structure;
- land alteration, including vegetation removal and disturbance of soils; and
- subdivision of land.

Exemptions

.2 The following activities are exempt from the requirement to obtain a development permit for DP-3:

- a) Development or alteration of land to occur outside the designated Development Permit Area, as determined by a BC Land Surveyor;
- b) Repair and maintenance of pre-existing lawful buildings, structures or utilities, except for shoreline protection structures, provided there is no alteration of undisturbed land or vegetation and that they are entirely within the existing building or structure footprint. For clarity, repair, maintenance, alteration or reconstruction of shoreline protection works such as retaining walls, requires a development permit whether or not they meet the definition of 'structure' in the Keats Island Land Use Bylaw;
- c) The installation of a mooring buoy;
- d) Construction, reconstruction or repair of the following structures sited within the setback from the natural boundary of the sea:
 - i. A platform not exceeding 5 square metres in area;
 - ii. A set of stairs or a walkway for the purpose of accessing the foreshore or a permitted marine related structure;
- e) Small-scale manual removal of non-native, invasive plants or noxious weeds, conducted in accordance with best management practices;
- f) Construction of a fence so long as no trees of native species are removed and the disturbance of native vegetation is restricted to 0.5 metres on either side of the fence;
- g) The construction of a trail if all of the following apply:
 - i. Trail design and location must minimize vegetation disturbance;
 - ii. No native trees are removed;
 - iii. The trail is 1 metre wide or less;
 - iv. The trail is for personal, non-vehicular use only;
 - v. The trail is constructed of soil, gravel, mulch or other pervious surface;
 - vi. The trail is designed to prevent soil erosion where slopes occur;
- h) Repair and maintenance of existing roads, driveways, paths and trails, provided there is no expansion of the width or length of the road, driveway, path or trail, and no creation of additional impervious surfacing, including paving, asphaltting or similar surfacing;

- i) Gardening and property maintenance activities, not involving artificial fertilizer, pesticides or herbicides, within a pre-existing landscaped area, including lawn mowing, weeding, shrub pruning, vegetation planting and minor soil disturbances that do not alter the general contours of the land;
- j) The pruning, trimming or limbing of trees provided it cannot reasonably be expected to result in the death or removal of the tree;
- k) The removal of trees that have been examined by an International Society of Arboriculture (ISA) certified arborist or registered professional forester and certified in writing to pose an immediate threat to life or property;
- l) Vegetation removal to prevent wildfire or other potential emergencies;
- m) Emergency works required to prevent, control or reduce an immediate threat to human life, the natural environment or public or private property, including:
 - i. Forest fire, flood and erosion protection works;
 - ii. Protection, repair or replacement of public facilities;
 - iii. Clearing of an obstruction from a bridge, culvert, dock wharf or stream;
 - iv. Bridge repairs.
- n) A farm operation as defined in the *Farm Practices Protection (Right to Farm) Act*;
- o) Forest management activities, as defined in the *Private Management Forest Land Regulation*, on land classified as managed forest land under the *Private Managed Forest Land Act*;
- p) The subdivision of land parcels where a conservation covenant satisfactory to and in favour of the Gambier Island Local Trust Committee or the Islands Trust Conservancy Board has already been registered for the maintenance of natural drainage and protection of environmentally sensitive areas;
- q) Subdivision involving lot consolidation;
- r) Works conducted and/or authorized by the Province and its Ministries or Agencies, and by Fisheries and Oceans Canada (or subsequent federal department), with respect to trail construction, stream enhancement and fish and wildlife habitat restoration. For clarity, private moorage, shoreline protection measures or placement of fill below the natural boundary of the sea authorized by the Province and its Ministries or Agencies, requires a development permit.

Guidelines

- .3** Prior to undertaking any applicable development activities within DP-3, an owner of property shall apply to the Local Trust Committee for a development, and the following guidelines apply:

General Guidelines:

- a) In general, development of the shoreline area should be limited, should minimize negative impacts on the ecological health of the immediate area, should not disrupt coastal sediment transport processes, and should not impede public access.
- b) It should be demonstrated that locating development entirely outside of the Development Permit Area has been considered, and a description of why that is not being proposed should be provided.
- c) New, or additions to, upland buildings or structures should be located and designed to avoid the need for shoreline protection works throughout the life of the structure.
- d) New development on steep slopes or bluffs should be set back sufficiently from the top of the slope or bluff to ensure that shoreline protection measures will not become necessary during the life of the structure, as demonstrated by a geotechnical analysis and recommendations for the site by a Geotechnical Engineer or Professional Geoscientist.

- e) Sea level rise, storm surges and other anticipated effects of climate change should be addressed in all development permit applications.
- f) All development within this Development Permit Area is to be undertaken and completed in such a manner as to prevent the release of sediment to the shore or to any watercourse or storm sewer that flows to the marine shore. An erosion and sediment control plan, including actions to be taken prior to land clearing and site preparation and the proposed timing of development activities to reduce the risk of erosion, may be required as part of the development permit application.
- g) Where this Development Permit Area includes critical habitat of any Species at Risk, including terrestrial or aquatic provincial red- and blue-listed species or SARA-listed species; or where a unique, sensitive or rare species has been identified by Islands Trust mapping, these areas should be left undisturbed. If disturbance cannot be entirely avoided, development and mitigation and/or compensation measures shall be undertaken only under the supervision of a Registered Professional Biologist with advice from applicable senior environmental agencies.
- h) Development activities along the foreshore or in marine areas should be conducted during the low risk timing window for spawning and nursery periods.
- i) All development that takes place below the natural boundary of the sea should be done in a way that minimizes degradation of water quality and disturbance of the substrate.


Guidelines for the Construction and Replacement of Docks and Ramps

- j) Construction details such as design, materials, methods, timing of construction and access shall be provided at the time of permit application.
- k) Docks, floats and ramps should be sited to avoid sensitive ecosystems such as eelgrass beds, forage fish habitat and to avoid interference with natural processes such as currents and littoral drift. This will require an environmental assessment by a Qualified Professional Biologist to identify such features and processes on the site in question.
- l) Docks must be designed to ensure that public access along the shore is maintained.
- m) Decking materials must allow for a minimum of 43% open space to allow for light penetration to the water surface. Light transmitting materials may be made of various materials shaped in the form of grids, grates, and lattices to allow for light passage to the water surface.
- n) To allow for the maximum amount of light penetration to the water surface.
- o) Piers on pilings and floating docks are preferred over solid-core piers or ramps. Piers should use the minimum number of pilings necessary, with preference to large spans over more pilings.
- p) All docks shall be constructed so that they do not rest on the bottom of the seabed at low water/low tide levels. Dock and float design shall allow the free flow of water beneath it.
- q) Docks should not use unenclosed plastic foam or other non-biodegradable materials that have the potential to degrade over time. Docks should be constructed of stable materials that will not degrade water quality. The use of creosote-treated pilings is not permitted.
- r) The access ramps, piers, walkways and stairs for docks should not exceed a maximum width of 1.5 metres.
- s) Preference is given to mooring buoys that are considered “seagrass-friendly” and are designed to reduce scouring of the sea floor. These include buoys with a mid-line float so as to prevent unnecessary damage to eelgrass habitat.

Guidelines for Shoreline Modifications

- t) Shoreline protection or stabilization measures shall not be permitted for the sole purpose of reducing the setback regulations in the Land Use Bylaw or for reclaiming land lost due to erosion.
- u) Shoreline protection measures should not be allowed for the purpose of extending lawns or gardens, or to provide space for additions to existing or new structures.
- v) Applications for shoreline protection or stabilization works may be considered to protect existing structures and shall include a report, prepared by a Professional Engineer with experience in coastal and/or geotechnical engineering, which describes the proposed modification and shows:
 - i. The need for the proposed modification to protect existing structures;
 - ii. If any natural hazards, erosion, or interruption of geohydraulic processes may arise from the proposed modification, including at sites on other properties or foreshore locations;
 - iii. The cumulative effect of shoreline protection or stabilization along the drift sector where the works are proposed;
 - iv. Whether there will be any degradation of water quality or loss of fish or wildlife habitat because of the modification;
 - v. Whether conditions should be incorporated into the development permit to achieve the objectives of this Development Permit Area.
- w) Where shoreline protection or stabilization measures are proposed, they shall be designed by a Professional Engineer with experience in coastal and/or geotechnical engineering, and:
 - i. Limit the size to the minimum necessary to prevent damage to existing structures or established uses on the adjacent upland;
 - ii. Apply the 'softest' possible shoreline protection measure that will still provide satisfactory protection;
 - iii. Not be expected to cause erosion or other physical damage to adjacent or down-current properties, or public land;
 - iv. Address compatibility with adjacent shoreline protection works.

Shoreline protection or stabilization measures are modifications to the shoreline, or adjacent seaward or landward areas, for the purpose of protection against erosion. Structural protection measures are often referred to as 'hard' or 'soft'. 'Hard' measures refer to those with solid, hard surfaces, such as concrete bulkheads, while 'soft' measures rely on less rigid materials such as biotechnical vegetation measures (i.e. the specialized use of woody plant materials to stabilize soil) or beach enhancement. There is a range of measures varying from soft to hard that include:

<ul style="list-style-type: none"> • Vegetation enhancement • Upland drainage control • Biotechnical measures • Beach enhancement • Anchor trees • Gravel placement • Rock (rip rap) revetments • Gabions • Concrete groins • Retaining walls or bulkheads • Seawalls 	<div style="text-align: center;"> <p>SOFT</p>  <p>HARD</p> </div>
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In general, the harder the construction measure, the greater the impact on shoreline processes, including sediment transport, geomorphology and biological functions.

- x) Entirely 'hard' structural shoreline protection measures such as concrete walls, lock block or stacked rock (rip rap), may be considered as a last resort only when a geotechnical and biophysical analysis demonstrates that:
 - i. An existing structure is at immediate risk from shoreline erosion caused by tidal action, currents or waves. Evidence of normal sloughing, erosion or steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis, is not sufficient demonstration of need;
 - ii. It is not feasible to instead construct a retaining wall that meets the land use bylaw setback;
 - iii. The erosion is not being caused by upland conditions, such as the loss of vegetation and uncontrolled drainage associated with upland development;
 - iv. All possible on site drainage solutions by directing drainage away from the shoreline have been exhausted;
 - v. Non-structural or 'soft' shoreline protection measures are not feasible or not sufficient to address the stabilization issues;
 - vi. The shoreline protection measure is designed so that neighbouring properties are not expected to experience additional erosion; and
 - vii. All shoreline protection structures are installed upland of the present natural boundary of the sea.
- y) An existing shoreline protection structure may be replaced if the existing structure can no longer adequately serve its purpose, provided that:
 - i. The replacement structure is of the same size and footprint as the existing structure;
 - ii. The replacement structure is designed, located, sized and constructed to mitigate the loss of ecological functions, and include habitat restoration measures when feasible;
 - iii. Replacement walls or bulkheads do not encroach seaward of the natural boundary or seaward of the existing structure unless there are significant safety or environmental concerns. In such cases, the replacement structure should utilize the 'softest' approach possible and should abut the existing shoreline protection structure;
 - iv. Where impacts to critical marine habitats would occur by leaving the existing works in place, they can be removed as part of the replacement measure.
- z) Materials used for shoreline protection or stabilization should consist of inert materials. Materials should not consist of debris or contaminated material that could result in pollution of tidal waters.
- aa) Placement of fill upland of the natural boundary of the sea greater than (10) cubic metres in volume shall only be considered when necessary to assist in the enhancement of the natural shoreline's stability and ecological function. Such fills shall be located, designed and constructed to protect shoreline ecological functions and ecosystem-wide processes, including channel migration. This may require a sediment and erosion plan prepared by a Professional Engineer or Geoscientist with experience in coastal and/or geotechnical engineering.
- bb) Placement of fill below (seaward of) the natural boundary shall be considered only when necessary to assist in the enhancement of the natural shoreline's stability and ecological function, typically as part of a beach nourishment design. All fill proposals

below the natural boundary are subject to approval by the appropriate provincial and/or federal authorities.

- cc) All upland fill and beach nourishment materials should be clean and free of debris and contaminated material.

Guidelines for Vegetation Management, Restoration and Enhancement

- dd) Existing native vegetation and trees should be retained or replaced wherever possible to protect against erosion and slope failure, and to minimize disruption to fish and wildlife habitat.
- ee) Existing vegetation and trees to be retained should be clearly marked prior to development, and temporary fencing installed at the drip line to protect them during clearing, grading and other development activities.
- ff) If the area has been previously cleared of native vegetation, or is cleared during the process of development, the development permit may specify replanting requirements to restore or enhance the natural environment or control erosion. Areas of undisturbed bedrock exposed to the surface or sparsely vegetated areas should not require planting. The Local Trust Committee may require provision of a security to be used to fulfill the replanting and vegetation maintenance conditions of the permit if the permit holder fails to do so.
- gg) Vegetation species used in replanting, restoration or enhancement should be selected to suit the soil, light and groundwater conditions of the site, should be native to the area, and be selected for erosion control and/or fish and wildlife habitat values as needed. While native species are preferred, suitably adapted, non-invasive, non-native vegetation may be acceptable.
- hh) All replanting shall be maintained by the property owner for a minimum of 2 years from the date of completion of the planting to ensure survival. This may require removal of invasive, non-native weeds and irrigation. Unhealthy, dying or dead stock will be replaced at the owner's expense within that time in the next regular planting season. The Local Trust Committee may require provision of a security to be used to fulfill the replanting and vegetation maintenance conditions of the permit if the permit holder fails to do so.

Guidelines for Subdivision

- ii) All lots in a proposed subdivision must be configured to have sufficient area for permitted principal and accessory uses without encroaching into land use bylaw setbacks, the Development Permit Area, or creating a likelihood of shoreline protection measures for the permitted level of development.
- jj) New roads, driveways and wastewater disposal (septic) systems should not be located within the Development Permit Area.

Attachment 4 **GAMBIER ISLAND LOCAL TRUST COMMITTEE**
BYLAW NO. 154

PROPOSED
A BYLAW TO AMEND KEATS ISLAND LAND USE BYLAW, 2002

The Gambier Island Local Trust Committee, being the Local Trust Committee having jurisdiction in respect of the Gambier Island Local Trust Area under the *Islands Trust Act*, enacts as follows:

1. Bylaw No. 78, cited as “Keats Island Land Use Bylaw, 2002” is amended as per Schedule “1” attached to and forming part of this bylaw.
2. This bylaw may be cited for all purposes as “Keats Island Land Use Bylaw, 2002, Amendment No. 1, 2021”.

READ A FIRST TIME THIS 14th DAY OF OCTOBER , 2021

READ A SECOND TIME THIS _____ DAY OF _____ , 20XX

PUBLIC HEARING HELD THIS _____ DAY OF _____ , 20XX

READ A THIRD TIME THIS _____ DAY OF _____ , 20XX

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____ , 20XX

ADOPTED THIS _____ DAY OF _____ , 20XX

Chair

Secretary

**GAMBIER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 154**

Schedule “1”

1. Schedule “A” of Keats Island Land Use Bylaw, 2002 is amended as follows:
 - 1.1 **PART 1 – ADMINISTRATION AND INTERPRETATION**, Section 1.5 **DEFINITIONS**, Subsection 1.5.1 is amended by adding the following definition in alphabetical order:

“**platform** means an unenclosed flat surface raised from the ground to serve for the loading and offloading of materials and supplies.”
 - 1.2 **PART 2 – GENERAL LAND USE REGULATIONS**, Section 2.7 **MEASUREMENT OF SETBACKS Buildings and Structures**, Subsection 2.7.3 is amended by removing it in its entirety and replacing it with the following:
 - “a) No building or structure except a platform with a maximum area of 5 square metres, or a set of stairs or a walkway for the purposes of accessing the foreshore or a permitted float, dock, wharf or other permitted marine related structure, may be constructed, reconstructed, moved, extended or located within 7.5 metres (24.6 feet) of the natural boundary of the sea.
 - b) Notwithstanding subparagraph a), for properties zoned Rural Comprehensive (Lot 876 and Lot 1829) the setback set out above shall be 15 metres (49.2 feet).”
 - 1.3 **PART 2 – GENERAL LAND USE REGULATIONS**, Section 2.7 **MEASUREMENT OF SETBACKS Buildings and Structures**, Subsection 2.7.5 is amended by replacing “3.0 metres” with “5.0 metres”.
 - 1.4 **PART 2 – GENERAL LAND USE REGULATIONS**, Section 2.7 **MEASUREMENT OF SETBACKS Buildings and Structures**, is amended by inserting the following new subsection as follows:

“**2.7.6** Private floats and docks shall be sited at least 10 metres from any existing dock or structure.”
 - 1.5 **PART 2 – GENERAL LAND USE REGULATIONS**, Section 2.7 **MEASUREMENT OF SETBACKS Buildings and Structures**, is amended by renumbering Subsection 2.7.6 – Sewage Disposal Fields to Subsection 2.7.7.
 - 1.6 **PART 4 – ZONE REGULATIONS**, Section 4.1 **COMMUNITY RESIDENTIAL 1 (CR1) ZONE**, Subsection 4.1.4 is amended by inserting the words “, dock ramps” after “docks” and before “and stairs”.
 - 1.7 **PART 4 – ZONE REGULATIONS**, Section 4.1 **COMMUNITY RESIDENTIAL 1 (CR1) ZONE**, Subsection 4.1.6 is amended by replacing “65 square metres (700 square feet)” with “~~35~~ 36 square metres (~~377~~387.5 square feet)”.
 - 1.8 **PART 4 – ZONE REGULATIONS**, Section 4.1 **COMMUNITY RESIDENTIAL 1 (CR1) ZONE**, Subsection 4.1.7 is amended by replacing “47 square metres (500 square feet)” with “25

square metres (269 square feet)” and by replacing “158 square metres (1,700 square feet)” with “85 square metres (915 square feet)”.

1.9 **PART 4 – ZONE REGULATIONS**, Section 4.1 **COMMUNITY RESIDENTIAL 1 (CR1) ZONE**, Subsection 4.1.8 is amended by replacing “2.4 metres (8 feet)” with “1.5 metres (4.9 feet)”.

1.10 **PART 4 – ZONE REGULATIONS**, Section 4.4 **RURAL RESIDENTIAL (RR) ZONE**, Subsection 4.4.6 is amended by replacing “65 square metres (700 square feet)” with “~~35~~36 square metres (~~377~~387.5 square feet)”.

1.11 **PART 4 – ZONE REGULATIONS**, Section 4.4 **RURAL RESIDENTIAL (RR) ZONE**, Subsection 4.4.7 is amended by replacing “47 square metres (500 square feet)” with “25 square metres (269 square feet)” and by replacing “158 square metres (1,700 square feet)” with “85 square metres (915 square feet)”.

1.12 **PART 4 – ZONE REGULATIONS**, Section 4.4 **RURAL RESIDENTIAL (RR) ZONE**, Subsection 4.4.8 is amended by replacing “2.4 metres (8 feet)” with “1.5 metres (4.9 feet)”.

1.13 **PART 4 – ZONE REGULATIONS**, Section 4.5 **RURAL COMPREHENSIVE (RC) ZONE**, Subsection 4.5.7 is amended by replacing “Article 6 of this subsection” with “Subsection 4.5.6”.

1.14 **PART 4 – ZONE REGULATIONS**, Section 4.5 **RURAL COMPREHENSIVE (RC) ZONE**, Subsection 4.5.6 is amended by replacing “65 square metres (700 square feet)” with “~~35~~36 square metres (~~377~~387.5 square feet)”.

1.15 **PART 4 – ZONE REGULATIONS**, Section 4.5 **RURAL COMPREHENSIVE (RC) ZONE**, Subsection 4.5.7 is amended by replacing “47 square metres (500 square feet)” with “25 square metres (269 square feet)” and by replacing “158 square metres (1,700 square feet)” with “85 square metres (915 square feet)”.

1.16 **PART 4 – ZONE REGULATIONS**, Section 4.5 **RURAL COMPREHENSIVE (RC) ZONE**, Subsection 4.5.8 is amended by replacing “2.4 metres (8 feet)” with “1.5 metres (4.9 feet)”.

1.17 **PART 4 – ZONE REGULATIONS**, Section 4.6 **PRIVATE INSTITUTIONAL 2 (PI2) ZONE**, Subsection 4.6.5 is amended by replacing “3,000 square metres (32,970 square feet)” with “1,000 metres (10,764 square feet)”.

1.18 **PART 4 – ZONE REGULATIONS**, Section 4.10 **PROVINCIAL MARINE PARK (P2) ZONE**, Subsection 4.10.6 is amended by replacing “dock floats” with “a wharf float”.

1.19 **PART 4 – ZONE REGULATIONS**, Section 4.10 **PROVINCIAL MARINE PARK (P2) ZONE**, Subsection 4.10.7 is amended by replacing “dock” with “wharf”.

1.20 **PART 4 – ZONE REGULATIONS**, Section 4.12 **MARINE 2 – COMMUNAL MOORAGE (M2) ZONE**, Subsection 4.12.5 is amended by replacing “2.4 metres (8 feet)” with “1.5 metres (4.9 feet)”.

1.21 **PART 4 – ZONE REGULATIONS**, Section 4.12 **MARINE 2 – COMMUNAL MOORAGE (M2) ZONE**, Subsection 4.12.6, **Table 4.1**, Site Specific Regulation (a) is amended by replacing

“65 square metres (700 square feet)” with “~~35~~36 square metres (~~377~~387.5 square feet)” and by replacing “47 square metres (500 square feet)” with “25 square metres (269 square feet)” and by replacing “158 square metres (1,700 square feet)” with “85 square metres (915 square feet)”.

- 1.22 **PART 9 – DEVELOPMENT PERMIT AREA GUIDELINES**, is amended by adding a new Section **9.3 DP-3 SHORELINE** as shown on Appendix 1 attached to and forming part of this bylaw.

**GAMBIER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 154**

Appendix 1

9.3 DP-3 SHORELINE

Applicability

.1 The following activities shall require a development permit whenever they occur within the Development Permit Area 3: Shoreline (DP-3), unless specifically exempted under Subsection 9.3.2:

- construction of, addition to or alteration of a building or structure;
- land alteration, including vegetation removal and disturbance of soils; and
- subdivision of land.

Exemptions

.2 The following activities are exempt from the requirement to obtain a development permit for DP-3:

- a) Development or alteration of land to occur outside the designated Development Permit Area, as determined by a BC Land Surveyor;
- b) Repair and maintenance of pre-existing lawful buildings, structures or utilities, except for shoreline protection structures, provided there is no alteration of undisturbed land or vegetation and that they are entirely within the existing building or structure footprint. For clarity, repair, maintenance, alteration or reconstruction of shoreline protection works such as retaining walls, requires a development permit whether or not they meet the definition of 'structure' in the Keats Island Land Use Bylaw;
- c) The installation of a mooring buoy;
- d) Construction, reconstruction or repair of the following structures sited within the setback from the natural boundary of the sea:
 - i. A platform not exceeding 5 square metres in area;
 - ii. A set of stairs or a walkway for the purpose of accessing the foreshore or a permitted marine related structure;
- e) Small-scale manual removal of non-native, invasive plants or noxious weeds, conducted in accordance with best management practices;
- f) Construction of a fence so long as no trees of native species are removed and the disturbance of native vegetation is restricted to 0.5 metres on either side of the fence;
- g) The construction of a trail if all of the following apply:
 - i. Trail design and location must minimize vegetation disturbance;
 - ii. No native trees are removed;
 - iii. The trail is 1 metre wide or less;
 - iv. The trail is for personal, non-vehicular use only;
 - v. The trail is constructed of soil, gravel, mulch or other pervious surface;
 - vi. The trail is designed to prevent soil erosion where slopes occur;
- h) Repair and maintenance of existing roads, driveways, paths and trails, provided there is no expansion of the width or length of the road, driveway, path or trail, and no creation of additional impervious surfacing, including paving, asphaltting or similar surfacing;

- i) Gardening and property maintenance activities, not involving artificial fertilizer, pesticides or herbicides, within a pre-existing landscaped area, including lawn mowing, weeding, shrub pruning, vegetation planting and minor soil disturbances that do not alter the general contours of the land;
- j) ~~Pruning of not more than two trees in one growing season in accordance with the standards and recommendations of the International Society of Arboriculture (ISA), which does not involve: the lift pruning of lower limbs to the extent that the live crown ratio is less than 50%, the removal of more than 25% of the crown, or the pruning or removal of a structural root within the critical root zone. The pruning, trimming or limbing of trees provided it cannot reasonably be expected to result in the death or removal of the tree;~~
- k) The removal of trees that have been examined by an International Society of Arboriculture (ISA) certified arborist or registered professional forester and certified in writing to pose an immediate threat to life or property;
- l) Vegetation removal to prevent wildfire or other potential emergencies;
- m) Emergency works required to prevent, control or reduce an immediate threat to human life, the natural environment or public or private property, including:
 - i. Forest fire, flood and erosion protection works;
 - ii. Protection, repair or replacement of public facilities;
 - iii. Clearing of an obstruction from a bridge, culvert, dock wharf or stream;
 - iv. Bridge repairs.
- n) A farm operation as defined in the *Farm Practices Protection (Right to Farm) Act*;
- o) Forest management activities, as defined in the *Private Management Forest Land Regulation*, on land classified as managed forest land under the *Private Managed Forest Land Act*;
- p) The subdivision of land parcels where a conservation covenant satisfactory to and in favour of the Gambier Island Local Trust Committee or the Islands Trust Conservancy Board has already been registered for the maintenance of natural drainage and protection of environmentally sensitive areas;
- q) Subdivision involving lot consolidation;
- r) ~~Works conducted and/or authorized by the Province and its Ministries or Agencies, and by Fisheries and Oceans Canada (or subsequent federal department). Works conducted and/or authorized by the Province and its Ministries or Agencies, and by Fisheries and Oceans Canada (or subsequent federal department), with respect to trail construction, stream enhancement and fish and wildlife habitat restoration. For clarity, private moorage, shoreline protection measures or placement of fill below the natural boundary of the sea authorized by the Province and its Ministries or Agencies, requires a development permit.~~

Guidelines

- .3** Prior to undertaking any applicable development activities within DP-3, an owner of property shall apply to the Local Trust Committee for a development, and the following guidelines apply:

General Guidelines:

- a) In general, development of the shoreline area should be limited, should minimize negative impacts on the ecological health of the immediate area, should not disrupt coastal sediment transport processes, and should not impede public access.
- b) It should be demonstrated that locating development entirely outside of the Development Permit Area has been considered, and a description of why that is not being proposed should be provided.
- c) New, or additions to, upland buildings or structures should be located and designed to avoid the need for shoreline protection works throughout the life of the structure.

- d) New development on steep slopes or bluffs should be set back sufficiently from the top of the slope or bluff to ensure that shoreline protection measures will not become necessary during the life of the structure, as demonstrated by a geotechnical analysis and recommendations for the site by a Geotechnical Engineer or Professional Geoscientist.
- e) Sea level rise, storm surges and other anticipated effects of climate change should be addressed in all development permit applications.
- f) All development within this Development Permit Area is to be undertaken and completed in such a manner as to prevent the release of sediment to the shore or to any watercourse or storm sewer that flows to the marine shore. An erosion and sediment control plan, including actions to be taken prior to land clearing and site preparation and the proposed timing of development activities to reduce the risk of erosion, may be required as part of the development permit application.
- g) Where this Development Permit Area includes critical habitat of any Species at Risk, including terrestrial or aquatic provincial red- and blue-listed species or SARA-listed species; or where a unique, sensitive or rare species has been identified by Islands Trust mapping, these areas should be left undisturbed. If disturbance cannot be entirely avoided, development and mitigation and/or compensation measures shall be undertaken only under the supervision of a Registered Professional Biologist with advice from applicable senior environmental agencies.
- h) Development activities along the foreshore or in marine areas should be conducted during the low risk timing window for spawning and nursery periods.
- i) All development that takes place below the natural boundary of the sea should be done in a way that minimizes degradation of water quality and disturbance of the substrate.

Guidelines for the Construction and Replacement of Docks and Ramps

- j) Construction details such as design, materials, methods, timing of construction and access shall be provided at the time of permit application.
- k) Docks, floats and ramps should be sited to avoid sensitive ecosystems such as eelgrass beds, forage fish habitat and to avoid interference with natural processes such as currents and littoral drift. This ~~may~~ will require an environmental assessment by a Qualified Professional Biologist to identify such features and processes on the site in question.
- l) Docks must be designed to ensure that public access along the shore is maintained.
- m) ~~Dock and float design should allow natural light penetration to the submerged land underneath. Natural light penetration can be facilitated by spacing the decking surface of the dock, incorporating grating and minimizing the width of the structure. Where possible, docks should be aligned in a north-south direction to allow for the maximum extent of light. Decking materials must allow for a minimum of 43% open space to allow for light penetration to the water surface. Light transmitting materials may be made of various materials shaped in the form of grids, grates, and lattices to allow for light passage to the water surface.~~
- n) To allow for the maximum amount of light penetration to the water surface.
- ~~n)p)~~ p) Piers on pilings and floating docks are preferred over solid-core piers or ramps. Piers should use the minimum number of pilings necessary, with preference to large spans over more pilings.
- ~~o)p)~~ p) All docks shall be constructed so that they do not rest on the bottom of the seabed at low water/low tide levels. Dock and float design shall allow the free flow of water beneath it.

~~p)g)~~ Docks should not use unenclosed plastic foam or other non-biodegradable materials that have the potential to degrade over time. Docks should be constructed of stable materials that will not degrade water quality. The use of creosote-treated pilings is not permitted.

~~q)r)~~ ~~The access ramps, walkways and stairs for docks should not exceed a maximum width of 1.5 metres~~ The access ramps, piers, walkways and stairs for docks should not exceed a maximum width of 1.5 metres.

~~r)s)~~ Preference is given to mooring buoys that are considered “seagrass-friendly” and are designed to reduce scouring of the sea floor. These include buoys with a mid-line float so as to prevent unnecessary damage to eelgrass habitat.

Guidelines for Shoreline Modifications

~~s)t)~~ Shoreline protection or stabilization measures shall not be permitted for the sole purpose of reducing the setback regulations in the Land Use Bylaw or for reclaiming land lost due to erosion.

~~t)u)~~ Shoreline protection measures should not be allowed for the purpose of extending lawns or gardens, or to provide space for additions to existing or new structures.


~~u)v)~~ Applications for shoreline protection or stabilization works may be considered to protect existing structures and shall include a report, prepared by a Professional Engineer with experience in coastal and/or geotechnical engineering, which describes the proposed modification and shows:

- i. The need for the proposed modification to protect existing structures;
- ii. If any natural hazards, erosion, or interruption of geohydraulic processes may arise from the proposed modification, including at sites on other properties or foreshore locations;
- iii. The cumulative effect of shoreline protection or stabilization along the drift sector where the works are proposed;
- iv. Whether there will be any degradation of water quality or loss of fish or wildlife habitat because of the modification;
- v. Whether conditions should be incorporated into the development permit to achieve the objectives of this Development Permit Area.

~~v)w)~~ Where shoreline protection or stabilization measures are proposed, they shall be designed by a Professional Engineer with experience in coastal and/or geotechnical engineering, and:

- i. Limit the size to the minimum necessary to prevent damage to existing structures or established uses on the adjacent upland;
- ii. Apply the ‘softest’ possible shoreline protection measure that will still provide satisfactory protection;
- iii. Not be expected to cause erosion or other physical damage to adjacent or down-current properties, or public land;
- iv. Address compatibility with adjacent shoreline protection works.

Shoreline protection or stabilization measures are modifications to the shoreline, or adjacent seaward or landward areas, for the purpose of protection against erosion. Structural protection measures are often referred to as ‘hard’ or ‘soft’. ‘Hard’ measures refer to those with solid, hard surfaces, such as concrete bulkheads, while ‘soft’ measures rely on less rigid materials such as biotechnical vegetation measures (i.e. the specialized use of woody plant materials to stabilize soil) or beach enhancement. There is a range of measures varying from soft to hard that include:

<ul style="list-style-type: none"> • Vegetation enhancement • Upland drainage control • Biotechnical measures • Beach enhancement • Anchor trees • Gravel placement • Rock (rip rap) revetments • Gabions • Concrete groins • Retaining walls or bulkheads • Seawalls 	
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In general, the harder the construction measure, the greater the impact on shoreline processes, including sediment transport, geomorphology and biological functions.

w)x) Entirely 'hard' structural shoreline protection measures such as concrete walls, lock block or stacked rock (rip rap), may be considered as a last resort only when a geotechnical and biophysical analysis demonstrates that:

- An existing structure is at immediate risk from shoreline erosion caused by tidal action, currents or waves. Evidence of normal sloughing, erosion or steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis, is not sufficient demonstration of need;
- It is not feasible to instead construct a retaining wall that meets the land use bylaw setback;
- The erosion is not being caused by upland conditions, such as the loss of vegetation and uncontrolled drainage associated with upland development;
- All possible on site drainage solutions by directing drainage away from the shoreline have been exhausted;
- Non-structural or 'soft' shoreline protection measures are not feasible or not sufficient to address the stabilization issues;
- The shoreline protection measure is designed so that neighbouring properties are not expected to experience additional erosion; and
- All shoreline protection structures are installed upland of the present natural boundary of the sea.

*y) An existing shoreline protection structure may be replaced if the existing structure can no longer adequately serve its purpose, provided that:

- The replacement structure is of the same size and footprint as the existing structure;
- The replacement structure is designed, located, sized and constructed to mitigate the loss of ecological functions, and include habitat restoration measures when feasible;
- Replacement walls or bulkheads do not encroach seaward of the natural boundary or seaward of the existing structure unless there are significant safety or environmental concerns. In such cases, the replacement structure should utilize the 'softest' approach possible and should abut the existing shoreline protection structure;
- Where impacts to critical marine habitats would occur by leaving the existing works in place, they can be removed as part of the replacement measure.

- ~~y}~~z) Materials used for shoreline protection or stabilization should consist of inert materials. Materials should not consist of debris or contaminated material that could result in pollution of tidal waters.
- ~~z}~~aa) Placement of fill upland of the natural boundary of the sea greater than (10) cubic metres in volume shall only be considered when necessary to assist in the enhancement of the natural shoreline's stability and ecological function. Such fills shall be located, designed and constructed to protect shoreline ecological functions and ecosystem-wide processes, including channel migration. This may require a sediment and erosion plan prepared by a Professional Engineer or Geoscientist with experience in coastal and/or geotechnical engineering.
- ~~aa}~~bb) Placement of fill below (seaward of) the natural boundary shall be considered only when necessary to assist in the enhancement of the natural shoreline's stability and ecological function, typically as part of a beach nourishment design. All fill proposals below the natural boundary are subject to approval by the appropriate provincial and/or federal authorities.
- ~~bb}~~cc) All upland fill and beach nourishment materials should be clean and free of debris and contaminated material.

Guidelines for Vegetation Management, Restoration and Enhancement

- ~~ee}~~dd) Existing native vegetation and trees should be retained or replaced wherever possible to protect against erosion and slope failure, and to minimize disruption to fish and wildlife habitat.
- ~~dd}~~ee) Existing vegetation and trees to be retained should be clearly marked prior to development, and temporary fencing installed at the drip line to protect them during clearing, grading and other development activities.
- ~~ee}~~ff) If the area has been previously cleared of native vegetation, or is cleared during the process of development, the development permit may specify replanting requirements to restore or enhance the natural environment or control erosion. Areas of undisturbed bedrock exposed to the surface or sparsely vegetated areas should not require planting. The Local Trust Committee may require provision of a security to be used to fulfill the replanting and vegetation maintenance conditions of the permit if the permit holder fails to do so.
- ~~ff}~~gg) Vegetation species used in replanting, restoration or enhancement should be selected to suit the soil, light and groundwater conditions of the site, should be native to the area, and be selected for erosion control and/or fish and wildlife habitat values as needed. While native species are preferred, suitably adapted, non-invasive, non-native vegetation may be acceptable.
- ~~gg}~~hh) All replanting shall be maintained by the property owner for a minimum of 2 years from the date of completion of the planting to ensure survival. This may require removal of invasive, non-native weeds and irrigation. Unhealthy, dying or dead stock will be replaced at the owner's expense within that time in the next regular planting season. The Local Trust Committee may require provision of a security to be used to fulfill the replanting and vegetation maintenance conditions of the permit if the permit holder fails to do so.

Guidelines for Subdivision

- ~~hh}~~ii) All lots in a proposed subdivision must be configured to have sufficient area for permitted principal and accessory uses without encroaching into land use bylaw

setbacks, the Development Permit Area, or creating a likelihood of shoreline protection measures for the permitted level of development.

#)ii) New roads, driveways and wastewater disposal (septic) systems should not be located within the Development Permit Area.

From: Squamish Connect <do-not-reply@squamishconnect.com>
Sent: Tuesday, March 8, 2022 3:03 AM
To: Becky McErlean
Subject: [Squamish Connect] 1 Update

1 comment on things you're watching

New Comment

Andrew Latimer (Squamish Nation) posted a comment

Hello, the Squamish Nation has reviewed your file and has the following recommendations.

-Recommend language addressing archaeological concerns incorporated into the bylaw, specifically that should ground disturbance through construction or maintenance be planned in the shoreline zone, an archaeological assessment will be required.

- Recommend stronger language for letter "l" in Guidelines for the Construction and Replacement of Docks and Ramps around dock construction near eelgrass and kelp beds. Any new docks should not be implemented within 8 meters of an established eelgrass bed, or within 4 meters of an established kelp bed.

- Recommend stronger language for letter "t" in Guidelines for the Construction and Replacement of Docks and Ramps. Mooring buoys must be seagrass friendly to prevent scouring on the sea floor, and must include buoys with a mid-line float so as to prevent unnecessary damage to eelgrass habitat

Also, can you provide rationale around the proposed amendment to change the coastal setback of buildings from 15 meters to 7.5 meters? We see that it is only 15 meters for 2 lots. With the present-day increasing frequency and intensity of storms, coastal erosion, and sea level rise, we would recommend considering the original proposed set back of 15 meters.

Please let us know if you have any questions.

PROJECT NAME

Keats Shoreline Protection Project

ISSUING AGENCY FILE NUMBER(S)

6500-20 Keats Shoreline Protection Project

REFERRAL ID

500

[View this Submission](#)



700 North Road, Gabriola Island, BC V0R 1X3
Telephone **250-247-2063** Fax 250-247-7514

Toll Free via Enquiry BC in Vancouver 604.660.2421 Elsewhere in BC
1.800.663.7867

Email northinfo@islandstrust.bc.ca

Web www.islandstrust.bc.ca

May 30, 2022

File No. GM 6500-20/Keats Shoreline
GM 6410-03/LTC Correspondence

Via Email and Squamish Portal:

peter_baker@squamish.net;

andrew_latimer@squamish.net

Squamish Nation Rights and Title Department
Sk̓wx̓wú7mesh Úxwumixw (Squamish Nation)
PO Box 86131
North Vancouver, BC V7L 4J5

Dear Peter Baker and Andrew Latimer:

RE: Keats Island Shoreline Protection Project (Referral ID 500)

The Gambier Island Local Trust Committee (LTC) of the Islands Trust would like to thank you for the draft Bylaw referral response received March 8, 2022 from Andrew Latimer regarding the Keats Island Shoreline Protection Project. We respect the issues raised and as a result have paused further consideration of the Keats Island Draft Bylaw No. 153 (Official Community Plan) and Keats Island Proposed Bylaw No. 154 (Land Use Bylaw). We would appreciate the opportunity to discuss the comments raised in your referral response.

As context for our future discussions, we wanted to provide some comments on the four points you raised in your referral response:

1. This current project seeks to establish a Shoreline Development Permit Area (DPA) for the purposes of protecting the natural environment, its ecosystems and biological diversity, and protecting development from hazardous conditions; and to develop potential land use bylaw amendments to restrict the size and type of identified marine structures. Unfortunately, we are not able to require an archaeological assessment through a Development Permit Area, but could address it in the future through a Heritage Conservation Area. Islands Trust is pursuing a Cultural Heritage Mapping project. The intent of this multi-year project is to work with First Nations to identify areas of specific cultural importance and develop plans to protect those across the Trust.
2. We acknowledge the importance of both kelp beds and eelgrass beds. In 2021, Islands Trust Conservancy mapped canopy bull kelp beds and eel grass beds in the Islands Trust Area. It was found there are not any large bull kelp beds in the Howe Sound Islands. Bull kelp grows there, but not forming big kelp bed forests, as we know them in other parts of the coast. However, eel grass habitat has been identified along the shoreline of Keats Island. The specific recommendation you suggested is that new dock construction be 8 metres from eelgrass beds. We would like to discuss this further.

Preserving and protecting over 450 islands and surrounding waters in the Salish Sea

3. The LTC considered mandatory language around mooring buoys and came to the conclusion that we should attempt education and guidance rather than restrictions. We would be interested in discussing the reasons behind this approach.
4. Currently, Section 2.7.3 of the Keats Island Land Use Bylaw No. 78 states *"no building or structure... may be constructed, reconstructed, moved, extended or located within 7.5 metres (24.6 feet) of the natural boundary of the sea."* Islands Trust proposed an amendment to the setback and suggested it be changed from 7.5 metres to 15 metres. This was the subject of extensive discussion and input from the community.

Keats Island has been settler-developed for many decades and the subdivision of many parts of the island occurred long before there were appropriate bylaws or regard for the environmental impact of subdivision. As a result, there are many small properties along the foreshore and many cottages/cabins/homes already located within the setback. In some cases, the properties are so small landholders would need to obtain Development Variance Permits in order to rebuild with a 15 metre setback. It is unfortunate that this is the way Keats Island has developed, but the proposed 15 metre setback was met with widespread opposition by landholders. While we recognize it represents best practice, the LTC decided to focus on the environmental and other benefits of a Development Permit Area rather than face substantial resistance to an increased setback. We wish to reiterate this action was not taken lightly.

Again, on behalf of the LTC we would appreciate the opportunity to discuss any of these issues with you. We are aiming to hold a Community Information Meeting about this project on July 14, 2022. We hope to have a discussion with you before then.

Islands Trust office contacts

- Marlis McCargar, Island Planner – mmccargar@islandstrust.bc.ca (250-247-2210)
- Gambier Island Local Trust Committee (Sue Ellen Fast, Chair; Kate-Louise Stamford, Trustee; and Dan Rogers, Trustee) northinfo@islandstrust.bc.ca.

We look forward to hearing from you.

hay č x^w q̇ ə (thank you)



Sue Ellen Fast, Chair, Gambier Island Local Trust Committee

pc: Gambier Island Local Trust Committee